



Community Development Department

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CHEHALIS PLANNING COMMISSION AGENDA

Regular meeting of January 9, 2024

6:00 PM - Chehalis City Hall Council Chamber, 350 N Market Boulevard

Position 1	Gladis Mendez	Staff:	Todd Johnson, City Planner
Position 2	Melissa Cox, Chair		Laura Fisher, Permit Technician
Position 3	Aubrey Anderson		
Position 4	Kyle McKerricher, Vice chair		
Position 5	vacant		
Position 6	Scott Forsman		
Position 7	Derek Dodd		

AGENDA ITEMS:

1. Call to Order
2. Roll Call
3. Approval of minutes from December 12, 2023.
4. Citizen Business for items not listed elsewhere on the agenda.
5. Commission Business

Updates of changes to work plan (new additions in underline)?

- a. Work plan for 2024.
 - i. Landscape Code workshop and public hearing (January 9)
 - ii. Comprehensive plan future land use map rezones and amendments (February 13th meeting)
 - iii. Work on MRC (Mixed Residential commercial)
 - iv. work on OSG zone (Open Space Government)

6. Public Workshop
 - a. Landscape code (New Chapter 17.28)
7. Public Hearing
 - a. Landscape Code Chapter 17.28
 - i. Public input
 - ii. recommendation to council
8. Adjourn Meeting
 - a. Next meeting will be on February 13, 2024.

Join Zoom Meeting

<https://us06web.zoom.us/j/83158558483?pwd=XgLAWN2SPMxphjFayWR2Q2QNEEE92g.1>

Meeting ID: 831 5855 8483

Passcode: 504507

1 **Planning Commission**

2 **Meeting Minutes 12-12-2023**

3

4 6:04pm Vice Chair, Derek Dodd calls meeting to order.

5 Roll call taken. Present: Derek Dodd, Scott Forsman, Kyle McKerricher, David Fitzpatrick

6 Dave Fitzpatrick motions to approve the meeting minutes from November 14, 2023. Kyle McKerricher
7 seconds the motion.

8 6:05pm There being no Citizen Business, Vice Chair Dodd moves to item 5 on the agenda, Commission
9 Business updates to the workplan.

10 Todd Johnson shares what he has added and changed order of. In January there are plans to discuss the
11 Comprehensive Plan updates.

12 6:06pm Vice Chair Dodd moves to item 6 on the agenda, Public Workshop. Landscape Code.

13 Todd Johnson summarizes the updates made to the Landscape Code draft. He provides the group with
14 an overview of changes made. The next step would be to schedule this for a public hearing. He will get
15 the notice out to the public two weeks prior to the next meeting in January.

16 Scott Forsman recommends they leave room for language in the code regarding alternative materials
17 and allow for new technology.

18 Todd Johnson will address this by adding the language in the code to allow for new technology.

19 Derek Dodd asks for clarification on variances.

20 Todd Johnson explains what he has written in the code about the variance process. He references CMC
21 17.28.060 regarding the DRC or Hearing Examiner.

22 6:37pm Kyle McKerricher motions to adjourn the meeting. Derek Dodd seconds the motion. Motion
23 carried unanimously.

24

25 Approved by: _____

26 Chair, Melissa Cox

27 Recorded by: _____

28 Permit Technician, Laura Fisher

Chapter 17.28 LANDSCAPING REQUIREMENTS

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17.28.010 Statement of intent.

The purpose of this chapter is to establish minimum requirements and standards for landscaping, buffering, and screening where needed to:

1. Promote safety;
2. Provide screening between incompatible land uses to safeguard privacy and to protect the aesthetic assets of the city;
3. Provide for standards for landscaping of commercial, industrial, and multi-family residential uses with more than 5 residential units; and
4. Retain significant trees; and
5. Minimize surface water runoff and diversion, facilitate infiltration, prevent soil erosion, and improve the quality of stormwater discharge to protect surface waters.
6. Allow the use of modern construction techniques and materials to provide for screening and buffering in standards for landscaping (ie. composite materials in place of masonry or concrete or alternate materials for fencing or paving).

17.28.020 General requirements.

A. A plot plan of the proposed landscaping and screening (landscape plan) shall be prepared by a licensed landscape architect, Washington-certified nurseryman, or Washington-certified landscaper and incorporated into plans submitted for preliminary plat, site plan review, administrative design review or building permit review.

B. The landscape plan shall contain the following information:

1. Existing plant material and soil to be retained;
2. Proposed plant material to be placed on site. The type, size, number and spacing on plantings must be shown and listed in a table showing plant material, sizes and quantities;
3. Surface parking location and design;
4. Bicycle parking location and design;
5. Loading and service areas location;
6. Screening and buffering: general; perimeter fencing and walls; parking structures; and surface parking lots;
7. All areas where soils are to be amended;
8. Locations where plant and soil materials will be stored during construction;
9. Timeline for site preparation and installation of plant materials.

C. All landscape plans shall be drawn to a scale of one inch equals 40 feet, or larger.

D. The applicant shall utilize tree protection techniques including minimizing grading with a tree dripline and avoiding cutting or removing more than 30% of a tree's root system without the approval of a certified arborist. These standards are examples of the minimum necessary standards to provide for the continued healthy life of retained Significant Trees including during land alteration and construction. The applicant must at all times use all other generally accepted construction practices for tree preservation when working within a dripline for a Significant Tree to be retained.

E. Root barriers shall be included as specified in [code section for public works standards] when trees are to be planted within 10 feet of the public right of way or within 10 feet of any public water or sewer utility. Root barriers shall meet the following standards:

1. Tree root barrier material shall be 45 MIL EPDM rubber lining (or pre-approved equivalent) and shall extend 15 feet past the tree trunk on each side facing the sidewalk or utility.
2. Tree root barrier material shall be placed at least 24 inches from the curb, sidewalk or utility.
3. Root barrier depth shall be a minimum of 24 inches unless greater depth is specified by the City of Chehalis public works department.

17.28.025 Exemptions

Exemptions from the requirements of this section apply as follows:

- A. Single family residences-
- B. Multi-Family Residential developments with less than 5 units
- C. The construction of an office, school, commercial, recreational, service or storage building with 4,000 square feet of new or remodeled building area.
- D. Renovations or remodels that do not alter the landscaping or building footprint or parking and maneuvering areas.

17.28.040 Preservation of significant trees.

- A. Significant Trees – Defined.

A Significant Tree is defined as a tree that is not on the prohibited tree list in CMC 12.04.030(J.) and is a tree in good health that is sixteen inches Diameter Breast Height, measured 4 ½ feet above grade for single trunk trees. For multi-trunked trees, the DBH shall be the average of the tree trunks at DBH for the purpose of determining if it meets the Significant Tree designation.

- B. Applicants required to prepare a landscape plan by this section shall retain significant trees except as provided below:

1. Trees that constitute a safety hazard as shown by a professional arborists report may be removed.
2. Tree clearing approved through an approved forest practices application are exempt from the requirements of this section.

3. Significant Trees within areas required for access and sight distance as defined in this code, and areas to be cleared for required roads, utilities, sidewalks, trails, or storm drainage improvements, are exempt from this requirement.
 4. The removal of up to two Significant Trees per acre within a 12 month period. This exemption may be combined with items 1. and 2. above.
 5. When an applicant can demonstrate that the removal of a Significant Tree would not allow the site to function for the intended use, Significant Trees in excess of the 2 permitted Significant Trees removed in a 12 month period may be removed with the approval of the City Manager or their designee through a variance review as listed in CMC 17.09.190 subject to the variance approval criteria. Trees removed under this circumstance shall be replaced at a ratio of 2 trees for every one removed and shall be planted with the proposed landscaping or prior to occupancy if no landscape plan is otherwise required.
- E. The responsible official may approve use of existing vegetation to fulfill landscaping and screening requirements of this section if that existing landscaping provides at least an equivalent level of screening as the standard required for the development in question.

17.28.050 Types of landscaping.

- A) All multi-family residential and nonresidential projects shall be required to provide landscaping that satisfies the functions and specific requirements of this section. Required landscaping shall not apply between buildings in common wall construction situations. *Type I -High Screen Landscaping.*
- 1) *Purpose.* Type I landscaping is intended to provide a very dense sight barrier and physical buffer to significantly separate conflicting uses and land use districts and to screen trash and recycling areas and loading areas.
 - 2) *Requirements.*
 - a) Type I landscaping shall be required whenever a commercial or industrial district abuts a residential use.
 - b) Type I landscaping is also required in a mixed use zoning district when a non-residential use abuts a residential use.
 - c) *Required Materials.* The Type I standard requires enough high shrubs to form a screen six (6) feet high and ninety-five percent (95%) opaque year-round. In addition, one (1) tree is required per thirty (30) lineal feet of landscaped area or as appropriate to provide a tree canopy over the landscaped area. Groundcover plants must fully cover the remainder of the landscaped area

with the exception of stormwater bioretention facilities which must be designed and vegetated per the standards in CMC 12.04.340. Bioretention facility plantings may be used in combination with perimeter shrubs to achieve the required width of the buffer, provided a continuous screen six (6) feet high and ninety-five percent (95%) opaque year-round can be achieved within two (2) years of planting.

- d) A six (6) foot high wall or fence that complies with the Type IV standard shown in Figure I with or without a berm may be substituted for shrubs, but the trees and groundcover plants are still required. If a Type IV standard is applied, the minimum width shall be 6 feet. When applied along street frontage(s), the screen or wall is to be placed along the interior side of the landscaped area.
- e) Type I landscaping areas shall provide a minimum width of fifteen feet.
- f) All plant materials and vegetative ground cover must be selected and maintained so that the entire landscape area will be covered within three years.
- g) All intervening area not occupied by trees or shrubs shall be covered by vegetative ground cover, mulch, beauty bark, or rock that will fill the remainder of the required planting area(s).
- h) Any other alternative mix of plantings can be considered provided the intent of the Type I landscaping type is satisfied through CMC 17.28.060 Alternative Landscape Option.
- i) Landscape plantings shall be native and drought tolerant.

B) Type II. – Low Screen Landscaping

- 1) *Purpose.* Type II landscaping is intended to provide visual separation of uses from streets, and visual separation of compatible uses so as to soften the appearance of streets, parking areas and building elevation. This landscaping is used around the perimeter of a site and adjacent to buildings.
- 2) *Requirements.*
 - a) A Type II Low Screen Landscaping is required whenever the proposed use abuts a similar zone at a different scale or intensity. For example, a single family residential zoning district abutting a multi-family residential district or between differing commercial zones.
 - b) In a mixed use zoning district, the Type II landscaping is required in a similar manner between uses butting similar uses at different densities. For example, when a Neighborhood commercial use abuts a General Commercial use or between varying densities of residential uses.
 - c) *Required Materials.* The Type II standard requires enough low shrubs to form a continuous screen three (3) feet high and ninety-five percent (95%) opaque year-round. In addition, one (1) tree is required per thirty (30) lineal feet of landscaped area or as appropriate to provide a tree canopy over the landscaped

area. Groundcover plants must fully cover the remainder of the landscaped area with the exception of stormwater bioretention facilities which must be designed and vegetated per the standards in CMC 12.04.340. Bioretention facility plantings may be used in combination with perimeter shrubs to achieve the required width of the buffer, provided a continuous screen six (6) feet high and ninety-five percent (95%) opaque year-round can be achieved within two (2) years of planting. A three (3) foot high masonry wall or fence at a Type IV standard or a berm may be substituted for shrubs, but the trees and groundcover plants are still required. When applied along street lot lines, the screen or wall is to be placed along the interior side of the landscaped area. See Figure 1.

- d) When Type II landscaping is required to provide partial screening between uses, a minimum planting area of eight feet in width shall be provided. This can be decreased to 5 feet if a Type IV screen is provided to the standard above.
- e) All plant materials and vegetative ground cover must be selected and maintained so that the entire landscape area will be covered within three years.
- f) All intervening area not occupied by trees or shrubs shall be covered by vegetative ground cover, mulch, beauty bark, or rock that will fill the remainder of the required planting area(s).
- g) Any other alternative mix of plantings can be considered provided the intent of the Type II landscaping type is satisfied as allowed through 17.28.060 Alternative Landscaping Option.
- h) In a commercial or multifamily residential zoning district and where a building is to be placed at the buffer line for a front setback, permeable pavement may be used in place of the required groundcover for the length of the building for the front setback only; provided, the required trees are still supplied, the paved area is connected to the public sidewalk, and pedestrian amenities are provided such as benches or pedestrian plazas. The building need not be placed at the required buffer line to utilize this section if the area between the buffer line and the building is devoted entirely to pedestrian only areas.
- i) Landscaping shall be native and drought tolerant.

C) *Type III.*

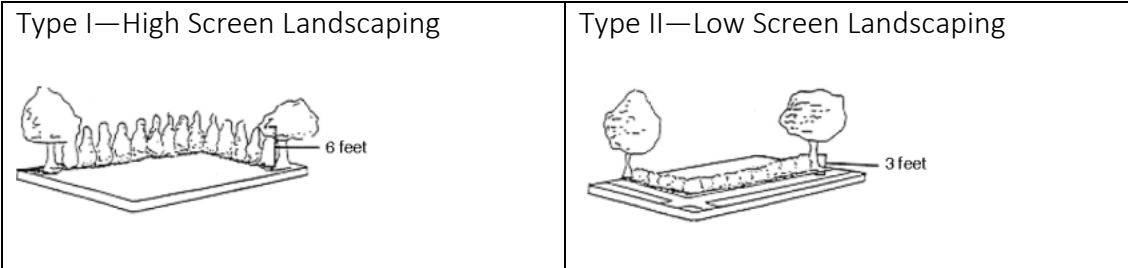
- 1) *Purpose.* Type III landscaping is intended to provide visual relief where clear sight is required. This landscaping type is utilized between sites abutting the same zoning or use at the same intensity. For example, if two abutting sites are designated as the same

zoning district or within a mixed use zone, the uses are similar in type and density or intensity.

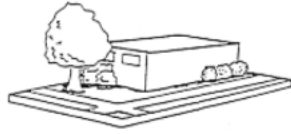
2) *Requirements:*

- a) *Required Materials.* There are two (2) ways to provide trees and shrubs to comply with a Type III standard. Shrubs and trees may be grouped. Groundcover plants, grass lawn or approved ground cover (i.e.- pavers, bark mulch or chips, decorative gravel) must fully cover the landscaped area not in shrubs and trees. See Figure 1 for an illustration of a planting standard that can comply with the Type III standard.
- b) Where the area to be landscaped is less than ten (10) feet deep, one (1) tree shall be provided per thirty (30) linear feet of landscaped area
- c) Where the area is ten (10) feet deep or greater, one (1) tree shall be provided per eight hundred (800) square feet and either two (2) high shrubs or three (3) low shrubs shall be provided per four hundred (400) square feet of landscaped area.
- d) In a commercial or multifamily residential zoning district and where a building is to be placed at the buffer line for a front setback, permeable pavement may be used in place of the required groundcover for the length of the building for the front setback only; provided, the required trees are still supplied, the paved area is connected to the public sidewalk, and pedestrian amenities are provided such as benches or pedestrian plazas. The building need not be placed at the required buffer line to utilize this section if the area between the buffer line and the building is devoted entirely to pedestrian only areas.
- e) The minimum width for Type III landscaping shall be six feet along street frontages to provide adequate rooting area for large street trees and to provide adequate streetscape.
- f) Ground cover or low shrubs developed for conditions of the Northwest shall be planted. Ground cover in planting strips where on-street parking is present shall be turf type grass, whereas low shrubs shall be required in areas without on-street parking to provide both visual and physical separation between moving traffic and pedestrians.

Figure 1- Diagram of landscape types:

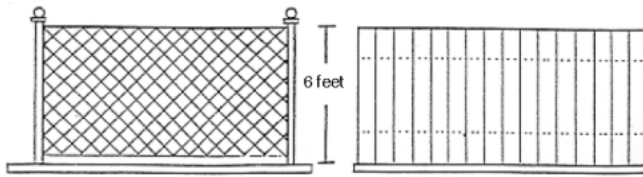


Type III – General Landscaping



Type IV – Sight Obscuring Landscaping

Fully sight obscuring fence or wall (chain link with slats or solid material fence or wall)
6 feet in height



Combination of berm construction and landscape planting in a solid hedge row to achieve a 6 foot height



D) *Parking Lot Landscaping*

- 1) *Purpose.* To provide visual relief and shade in parking areas.
- 2) *Requirements.*
- 3) *Quantity.*
 - a) If the parking area contains no more than twenty-five parking spaces, at least thirty-five square feet of landscape area must be provided for each parking stall proposed.
 - b) If the parking area contains more than twenty-five spaces, at least fifty square feet of Type IV landscape area must be provided for each parking stall proposed.
- 4) *Design.*
 - a) Landscaping shall be provided along all parking and maneuvering areas to the low screen standard if parking areas face perimeter lot lines.
 - b) The minimum width for parking lot landscaping shall be six feet for landscape islands and around the property lines abutting the parking area.

- c) Planting areas shall be provided with the maximum number of trees possible given recommended spacing for species type, with a minimum of at least one tree per planting island.
- d) No parking stall shall be located more than fifty feet from a tree.
- e) All intervening area not occupied by trees or shrubs shall be covered by vegetative ground cover that will fill the remainder of the required planting area(s) within three years of planting.
- f) A landscaped area must be placed at the interior end of each parking row in a multiple-lane parking area. This area must be at least eight feet wide and must extend the length of the adjacent parking stall.
- g) Landscaping islands must be placed in every parking row with a maximum spacing of at least one island every eight parking spaces. Parking row islands shall be a minimum of eight feet in width and shall extend a minimum length of ten feet. Provided, that the City Manager or their designee may approve of a different configuration in order to provide a more attractive and functional design consistent with the intent of this chapter to promote aesthetic values and a pedestrian-friendly parking lot so long as the total area of parking lot landscaping required is met.
- h) Landscaping islands and landscape portions of pedestrian corridors may be used for drainage treatment and be given credit on drainage calculations under Chapter 5 of the Development Guidelines. However, the primary purpose shall remain landscaping, and the health of all vegetation and aesthetic character shall not be compromised. Additionally, in no case shall the grade between the parking lot surface edge and the landscape island or pedestrian corridor surfaces be greater than six inches when a swale concept is utilized, and it is intended to meet minimum landscaping space requirements.
- i) Landscaping shall be native and drought tolerant.

E) Timing, Selection, Installation, and Maintenance Standards.

- 1) Street trees shall comply with CMC 12.04.320(J.)
- 2) Timing. That applicant shall install landscaping and screening required by this section consistent with the approved site plan or an approved modification thereto before the county issues an occupancy permit or final inspection for the development in question; provided, the responsible official may defer installation of plant materials for up to six (6) months after the county issues an occupancy permit or final inspection for the

development in question if the responsible official finds doing so increases the likely survival of plants.

- 3) Shrubs shall be supplied in a minimum of three (3) gallon containers or equivalent burlap balls, with a minimum spread of eighteen (18) inches to meet the L2 buffer requirement, and minimum of five (5) gallon containers or equivalent burlap balls with a minimum spread of thirty (30) inches to meet the L3 buffer requirements. Reduction in the minimum size may be permitted if certified by a registered landscape architect that the reduction shall not diminish the intended effect or the likelihood the plants will survive.
- 4) Groundcover plants shall be placed not more than thirty (30) inches on center and thirty (30) inches between rows. Rows of plants shall be staggered for a more effective covering. Groundcover shall be supplied in a minimum four (4) inch size container or a two and one-quarter (2 1/4) inch container or equivalent if planted eighteen (18) inches on center. Reduction in the minimum size may be permitted if certified by a registered landscape architect that the reduction shall not diminish the intended effect or the likelihood the plants will survive. A lawn or flower bed of flowers approved by the responsible official may be substituted for groundcover plants.
- 5) Tree Selection. Trees may be deciduous or evergreen. The required tree height shall be measured from the ground level at final planting to the top of the tree.
- 6) Required trees for parking and loading areas shall be a minimum caliper of two (2) inches and a minimum height of ten (10) feet at the time of planting.
- 7) Required deciduous trees (other than street trees) shall be fully branched, have a minimum caliper of one and one-half (1 1/2) inches, and a minimum height of eight (8) feet at the time of planting.
- 8) Required evergreen trees (other than street trees) shall be fully branched and a minimum of six (6) feet high at the time of planting.
- 9) If the responsible official decides reducing the minimum size of trees will not detract from the desired effect of the trees, the minimum size of trees (other than street trees) may be reduced if the applicant submits a written statement by a landscape architect registered in Washington or expert in the growing of the tree(s) in question certifying that the reduction in size at planting will not decrease the likelihood the trees will survive.
- 10) Selection Generally. Landscape materials should be selected and sited to produce a hardy and drought-resistant landscape area. Selection should include consideration of soil type and depth, the amount of maintenance required, spacing, exposure to sun and wind, the slope and contours of the site, compatibility with existing native vegetation preserved on

the site, water conservation where needed, and the impact of landscaping on visibility of the site for purposes of public safety and surveillance. Landscaping materials shall be selected in accordance with a list of plant materials found in the Standard Details Manual.

- 11) All intervening area not occupied by trees or shrubs shall be covered by vegetative ground cover that will fill the remainder of the required planting area(s) within three years of planting.
- 12) Earthen berms with grass or other vegetative ground cover and other design features may be worked into landscaping, provided the resultant effect of providing a pedestrian-friendly environment and visual relief where clear sight is required can be achieved.
- 13) Landscaping shall be native and drought tolerant with exception of trees on the city's street tree list.

17.28.055 Special requirements.

- A) The following uses require Type I landscaping along all perimeter lot lines when located above ground and not housed within a building, and if located outside a public right-of-way:
 - 1) Utility substation
 - 2) Sewage pumping station
 - 3) Water distribution facility
 - 4) Communication relay station.
- B) The following uses require Type III landscaping along street frontages and throughout the required front setback area, as well as Type II landscaping between the required front setback area and improvements on the property and along interior property lines unless a more stringent requirement is specifically identified in a land use district:
 - 1) Church.
 - 2) Commercial or public parking lot or structure not serving a primary use.
 - 3) Government service building.
 - 4) Community club.
 - 5) School.
 - 6) Hospital.
- C) Whenever a non-residential use is proposed adjacent to a residential zone or residential use in a mixed use zone, a minimum of a Type I landscaping shall be provided along the property

boundary separating the uses. Alternative configurations may be considered in accordance with CMC 17.28.060 – Alternative Landscaping Option.

- D)* An area around the base of each ground-mounted sign or similar fixtures must be landscaped to include vegetation and may include other materials and components such as brick or concrete bases, planter boxes, or decorative framing.
- E)* All refuse storage container areas shall be either fully enclosed or screened from view with a Type I landscape buffer.
- F)* In front yard areas required to be landscaped under city requirements, a minimum of sixty percent of the required area shall be landscaped with natural plant materials. This may include grass or other ground cover, trees, shrubs, and other permitted plant materials. Planting areas shall be designed and constructed in a manner that will make possible normal maintenance such as mowing and watering.

17.28.060 Alternative landscaping option.

- A)* The applicant may request a modification of the landscaping requirements set forth in CMC 17.28.030 and 17.28.040.
- B)* The enforcing officer, site plan review committee and/or hearings examiner may approve a modification of the landscaping requirements of this chapter only if:
 - 1) The proposed landscaping implements portions of an urban forestry program or plan duly adopted by the city council; or
 - 2) The proposed landscaping represents an equal result that could not have been achieved by strictly following the requirements of this chapter; and
 - 3) The proposed landscaping complies with the stated purpose of this chapter and provides a more attractive and functional design than would otherwise have been achieved by strictly following the requirements of this chapter.
- C)* Natural vegetation or stands of trees existing prior to development of the site may be acceptable to meet all or part of the landscaping requirements.

17.28.070 Species choice.

The applicant shall utilize native regional plant materials or plant materials that complement the natural character of the Pacific Northwest.

17.28.028 Maintenance of plant materials.

- A)* It shall be the responsibility of the property owner/developer to ensure the provision of healthy, growing landscaping. The property owner shall replace any unhealthy or dead plant materials in conformance with the approved landscape development proposal and shall maintain all landscape material.
- B)* Unless entirely landscaped with significant trees preserved under CMC 17.28.040, all areas where new landscaping is being required, excepting new single-family lots, shall be provided with irrigation systems designed by a licensed landscape architect, Washington-certified nurseryperson, Washington-certified landscaper or professional engineer. Said irrigation systems shall be designed, installed and operated to maintain the plant materials to the standards detailed in subsection A of this section. The city may waive landscape irrigation provided an alternative method to irrigate the plantings for three years is approved by the city and a maintenance assurance device in the amount of one hundred percent of the replacement cost of the landscape materials is provided.
- C)* The city shall require a maintenance assurance device to insure compliance with the requirements of this chapter. The value of a maintenance assurance device must equal at least twenty percent of the replacement cost of the landscape materials, and shall be utilized by the city to perform any necessary maintenance, and to reimburse the city for documented administrative costs associated with action on the device. The maintenance assurance shall be for a minimum period of two years from the completion of planting; however, for Type I landscaping, the period shall be three years. The community and economic development director may adjust the period of maintenance assurances on a case-by-case basis. A separate financial guarantee for maintenance associated with landscaping in the right-of-way and stormwater facilities shall be submitted to the public works department in accordance with Section 3.090 of the Development Guidelines and Public Works Standards.
- D)* The city may accept, as an alternative to a maintenance assurance device, a contractual agreement or bond between the owner/developer and a licensed landscape architect, Washington-certified nurseryperson, or Washington-certified landscaper, along with a rider or endorsement specifically identifying the city as a party to the agreement for purposes of enforcement. Nothing in this alternative shall be interpreted to in any way modify the conditions of subsection B of this section.
- E)* If a maintenance assurance device or evidence of a similar device is required under subsections B and C of this section, the property owner shall provide the city with an

irrevocable notarized agreement granting the city and its agents the right to enter the property and perform any necessary work.

- F)* Upon completion of the two-year maintenance period (three years for Type I landscaping), and if maintenance is not required, the city shall promptly release the maintenance assurance device or evidence thereof.
- G)* All trees, plant materials and landscaped areas shall receive sufficient water to be kept in a healthy and growing manner.

17.28.090 Performance assurance.

- D)* The city may accept, as an alternative to a performance assurance device, a contractual agreement or bond between the owner/developer and a licensed landscape architect, Washington-certified nurseryperson, or Washington-certified landscaper, along with a rider or endorsement specifically identifying the city as a party to the agreement for purposes of enforcement. Nothing in this alternative shall be interpreted to in any way modify the conditions of this subsection A.
- E)* If a performance assurance device or evidence of a similar device is required under subsection A of this section, the enforcing officer shall determine the specific type of assurance device required in order to insure completion of the required landscaping in accordance with the approved landscaping plan. The value of this device must equal one hundred fifty percent of the estimated cost of the landscaping to be performed, and shall be utilized by the city to perform any necessary work, and to reimburse the city for documented administrative costs associated with action on the device. If costs incurred by the city exceed the amount provided by the assurance device, the property owner shall reimburse the city in full, or the city may file a lien against the subject property for the amount of any deficit.
- F)* The performance assurance shall be held for a maximum period of one year from the date of acceptance by the city until the landscaping has been installed to the satisfaction of the community and economic development director. Any landscaping not installed after the period of one year shall be grounds for the city to utilize the device to install the necessary landscaping.
- G)* If a performance assurance device or evidence of a similar device is required under subsection A of this section, the property owner shall provide the city with an irrevocable notarized agreement granting the city and its agents the right to enter the property and perform any required work remaining undone at the expiration of the assurance device.

H) Upon completion of the required landscaping by the property owner, at or prior to expiration of the assurance device, the city shall promptly release the performance assurance device or evidence thereof.

17.28.100 Landscape features.

Landscape features such as decorative paving, sculptures or fountains are permitted in the required landscaping area, except where they conflict with the purpose of this chapter. Paving materials may include alternate equivalent materials for paving and masonry. The area devoted to such a feature may not exceed twenty-five percent of the required area.